

Entered - 09/04/01 - sb  
CL01L0534 - DIANNE C. MITCHELL

CLAIM OF: KAREN E. COX, as parent  
and legal guardian of Danquan Cox,  
through their attorney,  
Ramon Walls Palanca  
3017 Piedmont Road, NE  
Suite 100  
Atlanta, Georgia 30305

01-R-1541

For damages alleged to have been sustained as a result of personal  
injuries on March 22, 2001 at Bazoline E. Usher Middle School.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell Ky  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY *Ruben, C. J. DCA*

C-24

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0534

Date: September 10, 2001

Claimant /Victim KAREN E. COX, as parent and legal guardian of Danquan Cox  
BY: (Atty) Ramon Walls Palanca  
Address: 3017 Piedmont Road, NE, Suite 100, Atlanta, Georgia 30305  
Subrogation:        Claim for Property damage \$        Bodily Injury \$ Not Stated  
Date of Notice: 08/30/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)         
Date of Occurrence 03/22/01 Place: Bazoline E. Usher Middle School  
Department        Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges that her son was assaulted by an employee of Bazoline E. Usher Middle School, which is a part of the Atlanta Board of Education. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimants' attorney has been advised of the above.

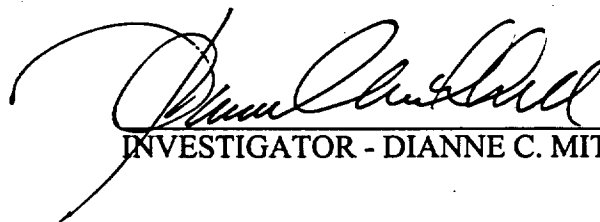
### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental        Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved X Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager: Dianne C. Mitchell Concur/date 09-12-01  
Committee Action:        Council Action

*Dianne*

*Mitchell*  
*08/30/01*  
*Dr*

RAMON WALLS PALANCA, JR., ATTORNEY

3017 Piedmont Rd., N.E., Suite 100  
Atlanta, Georgia 30305  
tel. (404) 442-9777  
fax (404) 663-6701

149 S. McDonough St., 215  
Jonesboro, Georgia 30236  
tel: (678) 216-6001  
ramonpalanca@yahoo.com

ENTERED - 9-4-01 - SB  
01L0534 - DIANNE MITCHELL

August 27, 2001

Via Cert. Mail  
Return Receipt Requested

Atlanta City Counsel  
55 Trinity Avenue, SW  
Suite 2900  
Atlanta, GA 30335

City of Atlanta Department of Law  
Suite 4100 - City Hall Tower  
68 Mitchell Street, SW  
Atlanta, GA 30335-0332

Atlanta Public Schools  
Office of Superintendent  
Administration Building  
210 Pryor Street, SW  
Atlanta, GA 30335

Re: ANTE-LITEM NOTICE  
D/A: March 22, 2001  
My Client: Karen E. Cox, as parent & legal guardian of Danquan Cox.

Dear Sir or Madam:

Please be advised that I represent Danquan Cox and his family in reference to his tort claims against Bazoline E. Usher Middle School, Atlanta Public Schools, City of Atlanta, Iona Geiger, and any other employees and agents who may be responsible for the recent attacks upon Danquan. Please direct all communications regarding said attacks to my attention.

On March 22, 2001, Ms. Iona Geiger, a teaching assistant at Usher Middle School, attacked Danquan with a broomstick and hit him in the head. Criminal proceedings have been brought against Ms. Geiger and the Atlanta Public School District has determined that there is a reasonable basis to conclude that a violation of specific regulatory procedures has occurred. Further, on or about May 3, 2001, another teacher or school employee pushed Danquan down a flight of stairs.

It is our position that not only is Ms. Geiger and other school employees who directly assaulted Danquan responsible, but that the City of Atlanta Schools, and the City itself, are responsible due to gross negligence in hiring, training, and retaining school employees. My clients are seeking damages for negligence and violations of their civil rights.

This notice is provided pursuant to O.C.G.A. Section 36-33-5 and other applicable statutes. If you wish to discuss this matter, please do not hesitate to call.

Sincerely,

  
Ramon Walls Palanca, Jr.

RWP/dlc

cc: Mr. Danquan Cox c/o Ms. Karen E. Cox and Mr. Rufus Walker  
3000 Middleton Road, #103, Atlanta, GA 30031

01-~~2~~-1541